

KENYA / JUDGMENT

# Republic v Sophia [2026] KEHC 7284 (KLR)

[2026] KEHC 7284 (KLR)

## COURT

High Court

## BEFORE

CM Kariuki

## CASE / FILE NUMBER

Criminal Case E021 of 2023

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Republic v Sophia (Criminal Case E021 of 2023) [2026] KEHC 7284 (KLR) (22 May 2026) (Sentence)

Neutral citation:

[2026] KEHC 7284 (KLR)

Republic of Kenya

In the High Court at Narok

Criminal Case E021 of 2023

CM Kariuki, J

May 22, 2026

Between

Republic

Prosecutor

and

Kiswee Sophia

Accused

Sentence

## A. Introduction

1.The accused person, Kiswee Sophia, was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars were that on 16th November 2023 at Olkinyei Centre in Narok West Sub-County within Narok County, he murdered one Henry Asunda.

2. Pursuant to a Plea Agreement dated 26th February 2026 entered under Sections 137A–137O of the Criminal Procedure Code, the charge was reduced to manslaughter contrary to Section 202(1) as read with Section 205 of the Penal Code. The accused pleaded guilty to the substituted charge on 26th February 2026.

3. The facts as outlined in the plea agreement were read to the accused, and he admitted them as true. He stated: “The facts are true. I was drunk, and I cannot remember us fighting. We were friends.”

4. Upon his unequivocal plea of guilty and admission of the facts, the accused was convicted of the offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.

5. Learned Prosecution Counsel, Ms Kerubo, informed the court that the accused may be treated as a first offender. Counsel nevertheless submitted that the attack upon the deceased was unjustified and violent.

6. In mitigation, learned counsel Ms Cheruto submitted that the accused is remorseful and genuinely intends to seek counselling and rehabilitation; this acknowledgement aims to foster understanding and hope for his future reform.

7. The court has considered the plea agreement, the mitigation by counsel, the accused’s personal mitigation, the Probation Officer’s Report dated 21st April 2026, and the applicable law.

## B. Analysis

8. Sentencing is an exercise of judicial discretion guided by the law, the circumstances of the offence, the interests of justice, and the objectives of sentencing. The Supreme Court in *Francis Karioko Muruatetu & another v Republic* [2017] eKLR emphasised that sentencing should be individualised and proportionate to both the offender and the offence.

9. The objectives of sentencing were aptly summarised in the Judiciary Sentencing Policy Guidelines, 2016, which identify the purposes of sentencing as including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation.

10. The offence of manslaughter under Section 205 of the Penal Code attracts a maximum sentence of life imprisonment. However, sentencing for manslaughter varies widely depending on the circumstances of each case. In *Republic v John Kimita Mwaniki* [2011] KEHC 2245 (KLR), the court observed that manslaughter covers a broad spectrum of unlawful killings and the sentence must therefore depend on the degree of culpability disclosed by the facts of each case.

11. The facts of this case disclose that the accused attacked the deceased in a bar using a Maasai walking stick without provocation and caused injuries that eventually led to the deceased’s death. The postmortem report established the cause of death as acute coronary syndrome, massive haemorrhage through a closed left forearm fracture, and large thromboembolism on the left ventricle.

12.The attack was undoubtedly serious and resulted in the loss of human life. The court must therefore reflect society's condemnation of unlawful violence leading to death. In *Ambani v Republic* (1990) KLR 161, the Court of Appeal held that the sentence must be commensurate with the moral blameworthiness of the offender and the gravity of the offence.

13.The court has, however, also considered the mitigating factors in favour of the accused. First, the accused pleaded guilty through a plea agreement, thereby saving judicial time and sparing witnesses the ordeal of trial. In *Thomas Patrick Gilbert Cholmondeley v Republic*, the Court of Appeal recognized that a plea of guilty and acceptance of responsibility are important mitigating considerations.

14.Secondly, the accused is a first offender. The Probation Report confirms that he has no previous criminal record. Courts have consistently held that first offenders deserve leniency where circumstances permit.

15.Thirdly, the offence was committed while the accused was intoxicated. While intoxication is not a defence to manslaughter in the circumstances of this case, the court takes judicial notice that intoxication impaired the accused's judgment at the material time. The accused has expressed remorse and indicated willingness to undergo counselling and rehabilitation.

16.The court has also considered that the accused, aged 55 years, and a family man with four young children, has suffered greatly during his incarceration, which underscores the court's commitment to balanced justice and compassion.

17.The court has also considered that the accused has been in custody since 15th November 2023, over two years and six months, ensuring the sentence reflects the time already served, reinforcing fairness and justice.

18.The Probation Officer recommended an alternative sentence and observed that the community remains largely sympathetic toward the accused. Despite efforts, the victim's family could not be traced; however, the court recognises the importance of justice for the victim's family and has considered this in the sentencing decision.

19.The court has weighed the aggravating factors, such as the violence and death caused, against mitigating factors, including the accused's plea of guilty, remorse, first offender status, and willingness to rehabilitate. This balanced assessment guided the court's decision to impose a seven-year sentence, which reflects the gravity of the offence while considering individual circumstances.

## C. Sentence

20.Consequently, and having considered all the circumstances of this case, the mitigation, the Probation Report, the plea agreement, the period already spent in custody, and the applicable principles of sentencing, this court sentences the accused, KISWEE SOPIA, as follows:a.The accused is sentenced to seven (7) years' imprisonment for the offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code, based on the court's application of the

principles outlined in the Judiciary Sentencing Policy Guidelines, 2016, and relevant case law. b. Pursuant to Section 333(2) of the Criminal Procedure Code, the sentence shall run from 15th November 2023, being the date when the accused was first remanded in custody. c. The Officer in Charge of the prison facility where the accused is held shall ensure that the accused is enrolled in counselling and alcohol rehabilitation programmes during the period of incarceration.

21. Right of appeal explained.

22. It is so ordered.

DATED, SIGNED, AND DELIVERED AT NAROK, THIS 22ND DAY OF MAY,  
2026.....CHARLES KARIUKI JUDGE

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